IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 8076 of 2007

(CRIME NO. 280/2007 OF KUMBLA POLICE STATION PENDING BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE I, KASARAGOD)

PETITIONERSACCUSED 1 AND 2:

1. SUKESH, S/O.NARAYANAN, AGED 25 YEARS, PATHUVADI HOUSE, UPPALA, MANGALPADY VILLAGE, KASARGOD DISTRICT.

2. DAMODARAN.K., S/O.KANTHAPPA, AGED 23 YEARS, PRATAPNAGAR, MANGALPADY VILLAGE, KASARGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENTS: STATE:

STATE OF KERALA REPRESENTED BY SHO, KUMBLA POLICE STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. K.MOHANAN, J.

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Bail Application NO. 8076 of 2007 - D

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Dated this the 24th day of December, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C., the petitioners who are accused Nos. 1 and 2 in Crime No.280 of 2007 of Kumbla Police Station for offence punishable under Sec. 8(2) of the Abkari Act for having been found in possession of 6000 packets, each containing 100 ml. of arrack seek their enlargement on bail. Petitioners were arrested on 28.10.2007.

2. I have heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Kasargod and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4. Petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.K.MOHANAN, JUDGE.

Mbs/